

Fleet Reserve Association

Statement of the Fleet Reserve Association on its Goals for 2003 Before a Joint Hearing of the House Veterans Affairs Committee and the Senate Veterans Affairs Committee

Presented by
Joseph L. Barnes
National Executive Secretary
Fleet Reserve Association

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Biography of Master Chief Joseph L. Barnes, USN, (Ret.) National Executive Secretary Fleet Reserve Association

Joseph L. Barnes of FRA Branch 181 was elected in September 2002 to serve as the Association's National Executive Secretary (NES). The NES is FRA's senior lobbyist and chairman of the Association's National Committee on Legislative Service. He is the chief assistant to the National President and the National Board of Directors and is responsible for managing FRA's National Headquarters.

A retired Navy Master Chief, Barnes served as FRA's Director of Legislative Programs and advisor to FRA's National Committee on Legislative Service since 1994. During his tenure, the Association realized significant legislative gains, and was recognized with a certificate award for excellence in government relations from the American Society of Association Executives (ASAE).

In addition to his FRA duties, Barnes has worked effectively as Co-Chairman of The Military Coalition's (TMC's) Personnel, Compensation and Commissaries Committee and testified frequently on behalf of FRA and TMC on Capitol Hill. He is also a member of the Defense Commissary Agency's (DeCA's) Patron Council.

Barnes joined FRA's National Headquarters team in 1993 as editor of *On Watch*, FRA's bimonthly publication distributed to Navy, Marine Corps, and Coast Guard personnel. While on active duty, he was the public affairs director for the United States Navy Band in Washington, DC. His responsibilities included directing marketing and promotion efforts for extensive national concert tours, network radio and television appearances, and major special events in the nation's capital. His awards include the Defense Meritorious Service and Navy Commendation Medal.

He is a member of the U.S. Navy Memorial Foundation's Board of Directors and in recognition of his work on behalf of enlisted personnel, Barnes was appointed an Honorary Member of the United States Coast Guard by Admiral James Loy, former Commandant of the Coast Guard, and then-Master Chief Petty Officer of the Coast Guard Vince Patton at FRA's 74th National Convention in September 2001.

Barnes holds a bachelor's degree in education and a master's degree in public relations management from The American University, Washington, DC. He's an accredited member of the International Association of Business Communicators (IABC), and is a member of the American League of Lobbyists. In addition to being a member of ASAE he recently completed its certification process and is now a Certified Association Executive (CAE).

CERTIFICATION OF NON-RECEIPT OF FEDERAL FUNDS

Pursuant to the requirements of House Rule XI, the Fleet Reserve Association has not received any federal grant or contract during the current fiscal year or either of the two previous fiscal years.

STATEMENT OF GOALS FOR 2003

Mr. Chairman, members of the committees,

Our membership is again pleased that the Fleet Reserve Association (FRA) has been invited by the Joint Committees to present our legislative goals for the year 2003. On behalf of more than 134,000 shipmates, I extend gratitude for the concern, active interest and progress to date generated by the Committees in protecting, improving, and enhancing benefits that are richly deserved by our Nation's veterans. We look forward to working with you in enhancing the quality of life for our Nation's 25 million veterans and hope that together we can accomplish much this year in spite of mounting budget deficits.

FRA was established in 1924 and its name is derived from the Navy's program for personnel transferring to the Fleet Reserve or Fleet Marine Reserve for the Marine Corps after 20 or more years of active duty but not 30 years to fully retire. During the required period of service in the Fleet Reserve, assigned personnel earn retainer pay and are subject to recall by the Secretary of the Navy.

FRA is the oldest and largest professional military enlisted association exclusively serving and representing men and women of the three Sea Services. It continues to seek protection and equity for those who serve in or have retired from the United States Navy, Marine Corps, Coast Guard and those veterans requesting assistance. The Association has been active over the past 77 years in pursuing Congressional and the respective Administration's support for quality of life and veterans' programs for enlisted Sea Services personnel.

LEGISLATIVE GOALS IN BRIEF

FRA's membership has an average age of 68 years, all veterans of as many as three wars, mostly retired from the Sea Services. Our members have tasked us with the following Legislative priorities and to work with Congress in accomplishing these priorities this year.

Veterans Health Care

- Expand Military Retiree Access to the VA Health Care System
- Explore possibilities for alternative Managed Health Care Programs
- Expand Health Care Options for Retired Military Veterans under Age 65
- Funding for the construction and leasing of additional nursing and long-term care facilities.
- Legislation to amend Title 38 USC to authorize concurrent receipt of military retired pay and veterans' compensation without loss to either.

- Repeal the statute requiring the repayment of separation pay if the service member reenlists in the Reserve component, subsequently is entitled to retired pay, or becomes entitled to VA compensation.
- Enact legislation to make the provisions of the Uniformed Services Former Spouse Protection Act more equitable for all parties concerned.
- Enhance educational programs and provide voluntary open enrollment in the Montgomery GI Bill for all current active duty military personnel, including military personnel who never enrolled in VEAP or MGIB.

The following military and miscellaneous goals of the Association are offered for your support. With the exception of the Uniformed Services Former Spouses Protection Act (USFSPA) and the Survivor Benefit Plan (SBP) they are not addressed elsewhere in this statement.

Military

- Continue to monitor implementation and ensure adequate funding of military health care program enhancements.
- Amend SBP to increase the annuity to 55% and shift the paid up coverage from 2008 to 2004
- Increase military manpower commensurate with demanding operational commitments.
- Improve compensation for career noncommissioned and petty officers of the U.S. Armed Forces.
- Provide adequate funding for military commissaries and continue supporting its exchange systems.
- Support equity in cost-of-living adjustments for all beneficiaries.
- Protect personnel benefits for retirees and families residing at or near BRAC sites.
- Authorize and adequately fund construction and maintenance of family and bachelor housing and MWR facilities.
- Support permanent change of station (PCS) process reform.

Miscellaneous

- Support full funding for the Impact Aid Program for schools enrolling children of military personnel.
- Ensure parity for Coast Guard personnel with DOD pay and benefits.
- Amend tax code to exclude taxation on residential sales for active duty members returning from overseas assignments.
- Support enactment of a Flag desecration statute.

DEPARTMENT OF VETERANS AFFAIRS FY 2004 BUDGET

FY 2004 Budget

FRA continues its quest for a realistic DVA budget that will provide adequate funding to care for all of the Nation's veterans, their families and survivors. Although the FY 04 budget has the largest percentage increase for any Government department, we believe that in real funds no substantial increase has been noted and that the increases are based on optimistic goals of collections and other monetary reimbursements that we hope can be met. FRA has listed the following veterans' programs it believes should be authorized and funded in full. The Association urges your consideration and adoption of these programs to assure America's veterans that they will be fully compensated for their sacrifices while in the uniform of the Armed Forces of the United States, and that their families and survivors will be cared for as prescribed in the mission of the Department of Veterans Affairs. Currently the Veterans Benefits Administration (VBA) part of the DVA budget is funded as mandatory spending. FRA concurs with and endorses the House Veterans Affairs Committee recommendation that the Committee on the Budget convert the veterans health care account from discretionary to mandatory. This will ensure that the Veterans Healthcare Administration (VHA) has sufficient funding without the necessity for yearly budgetary hearings and disagreements.

VETERANS HEALTH ADMINISTRATION

Suspension and Realignment of Veterans Categories

In January, citing mounting deficits and difficulties of operating on funding based on Continuing Resolutions, Secretary Principi suspended enrollments in Priority 8 for the remainder of this year. We applaud the effort it took to make this decision to concentrate on the VA core values of providing care for Service Connected veterans, indigent and homeless veterans and those that need specialized services such as blind rehabilitation and prosthetic services. The Secretary promised that he will monitor the situation and if warranted may possibly re-open enrollment sooner. We hope that with adequate funding this suspension will be terminated in the near term.

The VA's proposal of a \$250 yearly enrollment fee for non-service connected Priority 7 and Priority 8 veterans is totally unacceptable. All veterans, regardless of their financial status should be afforded an opportunity to enroll in VA health care programs. We understand the need for re-imbursement of monies utilized in treatment of veterans, but believe it would make more sense for those veterans that are Medicare eligible, and choose to have their health care at VA facilities, be covered by subvention which is reimbursement of fees directly to the VA by the Department of Health and Human Services. This proposed new enrollment fee combined with new drug co-pay proposals for Priority 7 & 8 veterans would have the effect of driving away many veterans who just cannot afford the increased costs.

A second initiative announced by the Secretary will be the establishment of a VA+Choice Medicare plan for Priority 8 veterans aged 65 or older who are denied enrollment in the VA system. Although this is a good idea that will assist in providing medical coverage for veterans unable to qualify for VA healthcare, we question the ability of VA to provide adequate and accredited services for treatment within a 30 day Medicare-mandated period and not somehow shortchange many veterans who are waiting many months for appointments. We do not see any excess capacity for treatment in most VA facilities especially in areas where the majority of veterans live. At the press conference announcing the VA's FY2004 budget, the Assistant Deputy Secretary for Finance William H. Campbell was asked what would be done if capacity was insufficient or the required Medicare standards could not be met. He answered that the obvious response would be to contract out the necessary services. It would seem that any outsourcing of services would defeat the stated purpose of providing VA healthcare services to those veterans unable to join the VA health care system. FRA believes contracting out the necessary services would only anger and confuse many older veterans who would be torn between remaining in the VA system to continue on waiting lists or disenroll from the VA Health Care System and then enroll in the VA+Choice in order to gain access to health care in a more timely manner. A final consideration for this proposal is the state of all Medicare+Choice programs. There are problems with these programs and it is becoming more difficult for Medicare-eligible people to locate plans and doctors willing to accept new Medicare insured patients. FRA believes this could very well happen with a VA+Choice plan as well.

With the possibility of impending military actions in the very near future, FRA notes with encouragement the letter from Senator Specter and Senator Graham which was sent to the Pentagon on February 14, 2003 requesting a formal report on the "military's preparedness to protect forces in southwest Asia" and a second letter from VA Secretary Principi on the same day which requested information on the current health of the deploying forces. Further this letter requested information on "record-keeping of medical treatment during deployment; information-gathering mechanisms; and the Pentagon's preparedness to share data with the Department of Veterans Affairs". We believe the proactive actions by the members of these two committees and Secretary Principi's foresight should help in resolving any healthcare issues from a possible conflict in the area and will hopefully prevent or at least mitigate any problems such as what happened

with the so called Gulf War Syndrome. We trust that continued pressure from Congress will ensure the Pentagon maintains its improved record keeping and will share their information in a timely manner to aid the DVA in its mission.

FRA understands the VHA is undergoing major changes and that one of its stated goals is to drastically reduce the waiting times for primary care. We hope that this goal includes dental care. In December FRA received a call from one of its members who lives in the Phoenix area. He is 100% service connected disabled and entitled to dental care which he desperately needs as one of his prescriptions has badly deteriorated his teeth. When he called to make an appointment he was told the earliest he could be seen was two years and three months. We hope this is not wide-spread throughout the VA system, if so, FRA believes that expanded recruiting efforts and increased pay levels for dentists as briefed to VSO's at the January meeting of the National Leadership Board will help ease the long waiting times for dental care.

Nursing Homes, Long Term Care, and other Health Care Programs

Public Law 106-117, Section 101, The Veterans Millennium Health Care Act made great strides in providing long-term care for our veterans. However, this program is only authorized for a four-year period, and only for veterans who need care for a service-connected disability, and/or those with service-connected disability ratings of 70% or more. This program should be extended, and expanded to include veterans with service-connected disability ratings of 50% or more.

World War II and Korean veterans are in their 60s and older, as are some Viet Nam veterans, and many require a greater level of long-term care. No one can argue that as veterans grow older, more and more of them will become dependent upon the VA to provide the necessary care in nursing homes, domiciles, state home facilities, and its underused hospital beds. The Nation can ill afford to wait for out-year funds before it expands nursing or long-term care.

FRA disagrees with the methodology used in collecting funds for the Millennium Act and transferring that money to the Treasury. VA's rationale for this is to allow more discretionary VA spending under the current caps set in the Balanced Budget Act. The Association views this a slight of hand rather than a reliable business practice and firmly believes any money collected from veterans for veterans' health care should stay within the VHA.

Tobacco-related Illnesses

In 1998, Congress changed the law prohibiting service-connection for disabilities related to smoking. Many veterans began using tobacco during their military service. It was a way of life and information detailing the health risks associated with tobacco use and nicotine addiction was nonexistent. In earlier years there were many who believed the Armed Services facilitated smoking by including cigarettes in meal rations, and cigarettes were sold at discounted prices in military exchanges. FRA recommends that Congress revisit and repeal its 1998 decision.

Medical and Prosthetic Research

Dollar for dollar, VA is widely recognized for its effective research program. FRA continues to support adequate funding for medical research and for the needs of the disabled veteran. The value of both programs within the veterans' community cannot be overstated.

Choice of Health Care Systems

Several proposals in the past year indicated that retired military veterans who are currently entitled to health care from both the VHA and the Department of Defense's TriCare system, would have to choose one or the other to receive medical care. The Association believes this is ill-advised. By virtue of service-connection some retired military veterans are entitled to care in the VA system. A portion of these veterans choose to take advantage of the system and have all of their health care needs provided by the VHA. Yet at the same time they continue to maintain enrollment in the TriCare system for their spouses and families. We believe that this should continue and that no "mandated" choice of either system should be forced upon the retired military veteran.

VETERANS BENEFITS ADMINISTRATION

Separation Pays

Under current law, service members released from active duty who fail to qualify for veterans' disability payments, and are not accepted by the National Guard or Reserve, never have to repay any portion of separation pay. If, however, qualified for either, it's time for pay-back. FRA has difficulty understanding why the individual willing to further serve the Nation in uniform, or is awarded service-connected disability compensation, should have to repay the Federal government for that privilege.

FRA is opposed to the repayment requirement. The Association recommends the repeal or the necessary technical language revision to amend the applicable provisions in Chapters 51 and 53, 38 USC, to terminate the requirement to repay the subject benefits. (Also requires an amendment to 1704(h)(2), 10 USC.)

Court-Ordered Division of Veterans Compensation

The intent of service-connected disability payments is to financially assist a veteran whose disability may restrict his or her physical or mental capacity to earn a greater income from employment. FRA believes this payment is exclusively that of the veteran and should not be a concern in the states' Civil Courts. If a Civil Court finds the veteran must contribute financially to the support of his or her family, let the court set the amount allowing the veteran to choose the method of contribution. FRA has no problem with child support payments coming from any source. However VA disability should be exempt from garnishment for alimony. If the veteran chooses to make payments from the VA compensation award, then so be it. The Federal government should not be involved in enforcing collections ordered by the states. Let the states bear the costs of their own decisions. FRA recommends the adoption of stronger language offsetting the provisions in 42 USC, now permitting Federal enforcement of state court-ordered divisions of veterans' compensation payments.

Montgomery GI Bill (GI Bill)

The GI Bill is one of the major enticements for enlisting in the United States Armed Forces. FRA believes that continued improvements to the GI Bill are necessary in order to continuously attract new recruits per Congressionally mandated recruitment levels each year.

The Association is grateful that the 107th Congress passed enhanced MGIB benefits. We are also very encouraged and heartily endorse Chairman Smith and the House Veterans Affairs Committee recommendation to increase the MGIB payment to \$1200 effective October 1, 2004. FRA believes Congress should increase MGIB benefits annually based on a current average cost of a four-year state run college education.

In the past, would be participants in the MGIB were not permitted to enroll because they never enrolled in the Veterans Educational Assistance Program (VEAP). During the VEAP era, that program was considered to be insufficient in providing adequate funding for a college education. Therefore, current active duty military members who have never enrolled in VEAP or MGIB should be given an opportunity to participate. It is somewhat puzzling to know that an individual may enlist to enroll in the MGIB, but cannot enroll if he or she reenlists. The question is, WHY?

Meanwhile the Association continues to subscribe to the belief once offered by the Treasury Department, that veterans who take advantage of their GI bill will eventually return more money to the U.S. Treasury than was spent by the Federal government for their education.

Disability Compensation Claims Processing

FRA believes VA's efforts in decreasing the backlog of initial disability claims are commendable and are continuing at a very good rate.

However there appears to be an impediment at the Board of Veterans Appeals (BVA) that is growing daily. In February 2002, the BVA started a process that allows them to be responsible for gathering all available information to assist their efforts in processing veterans' claims and appeals. Currently there are over 9000 cases in various stages of development. Since last year they have only cleared a little over 600 cases. The 26 employees doing this work are overwhelmed. During a recent visit to the BVA, a member of the FRA staff was told there are no plans in the immediate future to expand the workforce dealing with these claims. It appears that strides made in initial claims processing may be negated by this current and growing backlog of cases on appeal. FRA urges the VBA to expeditiously expand the workforce dealing these cases.

NATIONAL CEMETERY ADMINISTRATION

Cemetery Systems

The National Cemetery Administration (NCA) has undergone many changes since its inception in 1862. Currently, the administration maintains almost 2.5 million gravesites at 124 national cemeteries in 39 states, the District of Columbia and Puerto Rico

One quarter of the nation's 26 million veterans alive today is over the age of 65. Rapidly aging veteran populations coupled with the death rate of World War I and World War II veterans create resource challenges within the NCA. It was estimated that the number of deaths in 2002 were over 680,000 veterans, and by 2006 that number will increase to 687,000 annually, or an average of 1,900 funerals a day. During this time period, the interment rate will continue to rise thereby placing even greater strain on NCA's workforce and equipment.

FRA is grateful to Congress for its increased funding for new cemetery sites in Atlanta, Detroit, Southern Florida, Oklahoma City, Pittsburgh and Sacramento. The NCA is doing much to meet resource challenges and the demand for burial spaces for aging veterans. With additional resources, the NCA will hopefully be able to meet the demand. FRA urges increased funding, structured so the NCA has exclusive use for the purchase of land, preparation, construction and operation of new cemeteries, the maintenance of existing cemeteries, and the expansion of grants to States to construct and operate their own cemeteries.

Also as part of the Veterans Education and Benefits Act of 2001, the government will provide grave markers for veterans whenever requested, even if there is another marker on the grave. However, as it stands the law only applies burials after December 27, 2001. FRA believes the grave-marker rule should be amended to include the thousands of families denied grave markers in the past decade.

OTHER RECOMMENDATIONS FOR CONSIDERATION

The following are recommendations related to the goals of the Association as resolved by the FRA membership in convention in September 2002.

Concurrent Receipt

FRA continues its advocacy for full concurrent receipt of military retired pay and veterans' service-connected disability payments.

Last year with overwhelming bi-partisan support of both H.R. 303 and S. 170 all military retiree organizations hoped for some movement on the concurrent receipt issues. It was most unfortunate that DOD efforts at fighting concurrent receipt were campaigns of misinformation and exaggeration. Several DOD officials made statements that were totally skewed, ignoring the fact that the military retiree is the ONLY government employee not allowed to receive both retired pay and VA disability compensation at the same time without an offset to one or the other. One official even stated that military retirees are "well compensated" which probably came as a surprise to nearly two-thirds of all retirees who are in the enlisted grades and whose average retirement pay in FY-01 was less than \$1,100 per month.

FRA also reminds Congress that its actions relative to tax changes to the military's disability retirement system forced many retired service members to seek redress from the Veterans Administration, later the Department of Veterans Affairs (DVA). Before 1975 all military disability was tax exempt.

Service members, whether in uniform or retired, are considered Federal employees, subject not only to Title 10, U.S. Code, but Title 5, U.S. Code, the latter that governs the conduct and performance of government employees. Both active and retired Federal civilian employees eligible for veterans' compensation may also receive full benefits of Federal civil service pay or Federal civil retirement payments, including disability retirement with no offsets, reductions, or limits

FRA encourages Congress to take the helm and fully authorize and fund a concurrent receipt of military non-disability retirement pay and veterans' compensation program as currently offered to other retired Federal employees-including those receiving benefits under the Federal government's disability

program. It is a Constitutional requirement that Congress take the initiative in matters dealing with the uniformed services as well as Federal employees. Congress must remember that U.S. service members not only had a major hand in the creation of this Nation, but also have contributed more than any group to the military and economic power of the United States for more than 200 years. Those who served in the Armed Forces for 20 years or more certainly deserve the opportunity to have equity with their counterparts in the Federal service.

Therefore, as it has for several years, FRA strongly recommends the repeal of 38 USC 5304(a)(1).

Uniformed Former Spouses Protection Act (USFSPA)

The USFSPA was enacted nearly 20 years ago, the result of Congressional chicanery that denied the opposition an opportunity to express its position in open public hearings. With one exception, only private and public entities favoring the proposal were permitted to testify before the Senate Manpower and Personnel Subcommittee. Since then, Congress has made 23 amendments to the Act: eighteen (18) benefiting former spouses. All but two of the 23 amendments were adopted without public hearings, discussions, or debate. In the nearly 20 years since the USFSPA was adopted, opponents of the Act or many of its existing inequitable provisions have had but one or two opportunities to voice their concern to a Congressional panel. The last hearing, in 1999, was conducted by the House Veterans Affairs Committee and not before the Armed Services Committee that has the oversight authority for amending the USFSPA.

One of the major problems with the USFSPA is its few provisions protecting the rights of the service member. They are unenforceable by the Department of Justice or DOD. If a State court violates the right of the service member under the provisions of USFSPA, the Solicitor General will make no move to reverse the error. Why? Because the Act fails to have the enforceable language required for Justice or Defense to react. The only recourse is for the service member to appeal to the court, which in many cases gives that court jurisdiction over the member that it had not when the original ruling violated the Act. Another infraction is committed by some State courts awarding a percentage of veterans' compensation to ex-spouses; a clear violation of U. S. law. Yet, the Federal government does nothing to stop this transgression.

FRA believes Congress needs to take a hard look at the USFSPA with a sense of purpose to amend the language therein so that the Federal government is required to protect its service members against State courts that ignore provisions of the Act. More so, a few of the other provisions weigh disproportionately heavily in favor of former spouses. For example, when a divorce is granted and the former spouse is awarded a percentage of the service member's retired pay, this should be based on the member's pay grade at the time of the divorce and not at a higher grade that may be held upon retirement. The former spouse has done nothing to assist or enhance the member's advancements subsequent to

the divorce; therefore, the former should not be entitled to a percentage of the retirement pay earned as a result of service after the decree is awarded. Additionally, Congress should review other provisions considered inequitable or inconsistent with former spouses' laws affecting other Federal employees with an eye toward amending the Act.

Survivor Benefit Plan

FRA believes the Federal Government continues to renege on its commitment to members of the uniformed services who opt to participate in the military's Survivor Benefit Plan (SBP). First, the plan was to be patterned after the Civil Service/Federal Employees Retirement Systems. Second, the cost of the program would be shared; 40 percent by the government and 60 percent by participating military retirees. Both of these themes appear numerous times in congressional hearings on SBP before the House and Senate Armed Services Committees.

Military SBP participants have seen their share of the plan's cost rise to more than 75% of the total cost. The increase in the plan's cost-sharing for military retirees was predicted as early as 1980 and again in 1996. Further, participants in the plan pay premiums over a much longer period than their counterparts in the civil service/federal employees' plans. This gives the federal retiree a far more advantageous benefit-to-premium ratio.

As analyzed by retired Air Force Colonel Mike Lazorchak who wrote in *Navy Times*, January 15, 2001, "(E)ach year Congress fails to pass more meaningful SBP rates, military retirees are forced to give the government an ever-increasing interest-free loan in return for their benefits. Admittedly, an increase in the government subsidy will require Congress...to increase the annual contribution to the Military Retirement Trust Fund; most of this increase is merely a repayment of the interest-free loans that military retirees have been required to give the government for decades."

FRA believes that the high cost of participating in the military's Plan is contrary to the intent of Congress to pattern it after the Civil Service/Federal Employees survivor plans. To accomplish this goal, FRA urges the distinguished members of the Committees to support the amendment to the military's Survivor Benefit Program to repeal the minimum post-62 SBP annuity over a prescribed period and to support an amendment to accelerate from 2008 to 2004 the time the military retiree will be a paid-up participant after paying premiums for 30 years and is at least 70 years of age.

DD214 Identity Theft

FRA supports any legislation that would prevent the identity theft of our Nation's veterans. Identity theft is the fastest growing crime today and thousands of veterans, before being discharged, have been told to file their DD 214 with their local county courthouse. Although this may be a state issue, FRA urges Congress to act on this unjust problem.

CONCLUSION

Mr. Chairman. In closing, allow me to again express the sincere appreciation of the Association's membership for all that you, the Veterans Affairs Committees, have done for our Nation's veterans over these many years.

Our Legislative Team stands ready to meet with you, other members of the Committees or their staffs at any time, to work together to improve Veterans benefits and entitlements

FRA again thanks the Joint Committees for having its representatives aboard for a review of the Association's 2003 goals. Granted, not all veterans' issues are cited in this statement; however, the Committees do have the Association's support for the improvement or enhancement of any veterans programs not addressed herein.